

base [6; 6A; 6B; 6C; 6D] defines a projection projecting downwardly from the lower surface, the inlet ventilation aperture [11; 11A; 11B; 11C; 11D] being defined within the projection.

25. [Patent Claim 35] The ventilated sport shoe of claim 24, wherein the inlet ventilation aperture is disposed on a forward face of the projection [see, e.g., Figs. 1, 5, and 6-9], such that the forward face is oriented towards a toe portion of the base.

26. [Patent Claim 36] The ventilated sport shoe of claim 25, wherein the inlet ventilation aperture [11; 11A; 11B; 11C; 11D] is positioned normal to the freestream airflow through the ventilation channel, thereby drawing airflow through the channel. [Also, regarding the expression "positioned normal to the freestream airflow," please note the comment above with respect to claim 10.]

REMARKS

Status of the Claims

Upon entry of the amendment, claims 1-26 will remain pending in the instant application, claims 1, 22, 23, and 24 being independent.

Summary of the Office Action

Claims 1-21 and 24-26 are objected to for certain specified informalities in claims 1, 16, and 24 (which also apply to the claims of U.S. Patent No. 5,797,610, from which they were copied (see the one-page paper entitled "Presentation of Claims Corresponding to Patent Claims," filed concurrently with the instant application on September 15, 2000).

The Examiner further stated that "Applicant has failed to specifically apply each limitation or element of each of the copied claims to the disclosure of the application, i.e., does not state how each term of the copied claims are supported by the specification, as required by 37 CFR 1.607(a)(5)."

Reply to Office Action

In reply to the objection to claims 1, 16, and 24, Applicants have presented amendments above which are believed to address and resolve the informalities specified by the Examiner.

Specifically, regarding independent claims 1 and 24 (which correspond to claims 1 and 34 of U.S. Patent No. 5,797,610), Applicants have presented an amendment in the preamble of each of such claims, which thereby provide antecedent basis for the expression "the lower frame" in the body of the claim.

In claim 16, "a lower frame" has been changed to "said lower frame," so as to avoid the Examiner's allegation of a double recitation in the previously recited "including a lower frame portion" in claim 1. As amended, in claim 16 the "lower frame" is a limitation of the frame in combination therewith for constituting a skate, whereas parent claim 1 is directed to the shoe, albeit a shoe that is capable of being mounted upon a lower frame and bearing member(s) or wheels.

Lastly, in claim 23, an amendment has been presented to change "aperture" to -- inlet aperture -- for the purpose of clarification.

CONCLUSION

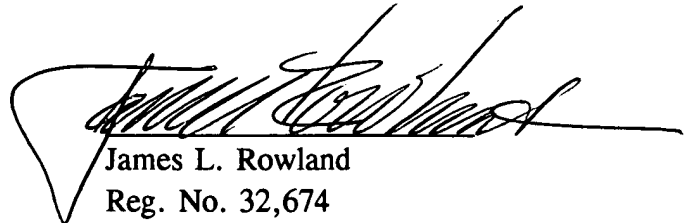
Upon entry of the amendment, all objections are requested to be withdrawn and the requirement regarding applying limitations of each of the copied claims to the disclosure is believed to be completely satisfied.

No fee is believed to be necessary at this time. However, the Commissioner is authorized to charge any fee required for acceptance of this reply as timely and complete to Deposit Account No. 19-0089.

In addition, although no extension of time is believed to be necessary at this time, if it were to be found that an extension of time were necessary to render this reply timely and/or complete, Applicants request an extension of time under 37 CFR 1.136(a) in the necessary increment(s) of month(s) that would render this reply timely and/or complete and the Commissioner is authorized to charge any necessary extension of time fee under 37 CFR 1.17 to Deposit Account No. 19-0089.

Any comments or questions concerning this application can be directed to the undersigned at the telephone or fax number given below.

Respectfully submitted,
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MARKED-UP VERSION OF AMENDMENTS

1. (Amended) A ventilated sport shoe [including] capable of being mounted on a lower frame [portion] mounting a bearing member, wherein the ventilated sport shoe comprises:

an upper shoe portion defining an interior adapted to receive a foot; and

a foot bed including a base secured to the upper shoe portion, the foot bed defining an upper surface capable of receiving the foot and the base defining a lower surface capable of mounting the lower frame thereon, the foot bed defining a ventilation channel formed within or below the upper surface of the foot bed and at least partially traversing the foot bed from an inlet aperture defined on an exterior of the lower surface of the base to an outlet aperture defined on the exterior of the lower surface of the base, the apertures providing ambient airflow into and out of the foot bed from the exterior of the base during use, wherein the ventilation channel is in moisture transport communication with the interior of the upper shoe portion, thereby providing ventilation and moisture transfer from the received foot to the channel and out of the outlet aperture.

16. (Amended) The ventilated sport shoe of claim 1, wherein the ventilated sport shoe is adapted for use as an in-line skate shoe, further comprising said [a] lower frame secured to the base and a plurality of longitudinally aligned wheels mounted on the lower frame.

23. (Amended) A ventilated sport shoe base having an upper shoe portion adapted to receive a foot and a lower load-bearing surface, wherein the ventilated sport shoe comprises:

a base adapted to receive the upper shoe portion, the base defining an upper surface capable of receiving the foot and a lower surface capable of mounting the load-bearing surface,

the base defining a ventilation channel at least partially traversing the upper surface of the base from an inlet aperture to an outlet aperture, the inlet and outlet apertures being defined on an exterior of the base to provide ambient airflow into and out of the base from the exterior of the base during use; and

a substrate received within the upper shoe portion on the upper surface of the base and including a plurality of moisture transport pathways therethrough wherein air flow can flow from the inlet aperture, through the ventilation channel, and out the outlet aperture, drawing moisture from the foot through the moisture transport pathways.

24. (Amended) A ventilated sport shoe [including] capable of being mounted on a lower frame [portion] mounting a bearing member, wherein the ventilated sport shoe comprises:

an upper shoe portion defining an interior adapted to receive a foot; and

a foot bed including a base secured to the upper shoe portion, the foot bed defining an upper surface capable of receiving the foot and the base defining a lower surface capable of mounting the lower frame thereon, the foot bed defining a ventilation channel formed within or below the upper surface of the foot bed and at least partially traversing the foot bed from an inlet aperture defined on an exterior of the base to an outlet aperture defined on the exterior of the base, the apertures providing airflow into and out of the foot bed during use, wherein the ventilation channel is in moisture transport communication with the interior of the upper shoe portion, thereby providing a ventilation and moisture transfer from the received foot to the channel and out the outlet aperture, wherein the lower surface of the base defines a projection projecting downwardly from the lower surface, the inlet ventilation aperture being defined within the projection.